



DOCKET NO.: P0453.70113US04

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Foss et al.
Serial No.: 10/785,668
Confirmation No.: 2689
Filed: February 24, 2004
For: ORAL USE OF METHYLNALTREXONE AND RELATED
COMPOUNDS TO TREAT CONSTIPATION IN CHRONIC OPIOID
USERS

Examiner: Not Yet Assigned
Art Unit: 1614

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 10 day of June, 2004.

Kristin J. Ketelhut
Kristin J. Ketelhut

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- ☒ Information Disclosure Statement
- ☒ PTO Form 1449 with cited references
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Foss et al., Applicant

By: Edward R. Gates
Edward R. Gates, Reg. No.: 31,616
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Docket No. P0453.70113US04
Date: June 10, 2004
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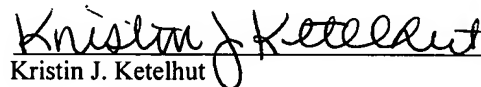
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Kristin J. Ketelhut

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The following are remarks concerning the other information cited:

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

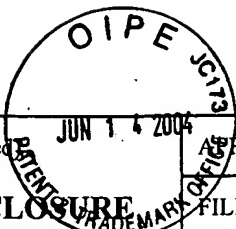
Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Foss et al., *Applicant*

By: Edward R. Gates
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Docket No. P0453.70113US04
Date: June 10, 2004
XNDDX



FORM PTO-1449/A and B (Modified)		APPLICATION NO.: 10/785,668	ATTY. DOCKET NO.: P0453.70113US04
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		FILING DATE: February 24, 2004	CONFIRMATION NO.: 2689
		APPLICANT: Foss et al.	
		GROUP ART UNIT: 1614	EXAMINER: Not Yet Assigned
Sheet	1	of	2

U.S. PATENT DOCUMENTS

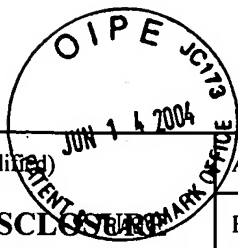
Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	
	C99	BICKEL, Stimulation of colonic motility in dogs and rats by an enkephalin analogue pentapeptide. Life Sci. 1983;33 Suppl 1:469-72.		
	C100	BRIX-CHRISTENSEN et al., Endogenous morphine is produced in response to cardiopulmonary bypass in neonatal pigs. Acta Anaesthesiol Scand. 2000 Nov;44(10):1204-8.		
	C101	BROWN et al., The use of quaternary narcotic antagonists in opiate research. Neuropharmacology. 1985 Mar;24(3):181-91. Review.		
	C102	FOSS et al., Methylnaltrexone reduces morphine-induced postoperative emesis by 30%. Anesth Analg. 1994;78:S119.		
	C103	HOWD et al., Naloxone and intestinal motility. Experientia. 1978 Oct 15;34(10):1310-1.		
	C104	KAUFMAN et al., Role of opiate receptors in the regulation of colonic transit. Gastroenterology. 1988 Jun;94(6):1351-6.		
	C105	KINSMAN et al., Effect of naloxone on feedback regulation of small bowel transit by fat. Gastroenterology. 1984 Aug;87(2):335-7.		
	C106	KROMER et al., Endogenous opioids, the enteric nervous system and gut motility. Dig Dis. 1990;8(6):361-73. Review.		
	C107	KROMER et al., The current status of opioid research on gastrointestinal motility. Life Sci. 1989;44(9):579-89. Review.		
	C108	LIVINGSTON et al., Postoperative ileus. Dig Dis Sci. 1990 Jan;35(1):121-32. Review.		
	C109	POLAK et al., Enkephalin-like immunoreactivity in the human gastrointestinal tract. Lancet. 1977 May 7;1(8019):972-4.		
	C110	RIVIÈRE et al., Fedotozine reverses ileus induced by surgery or peritonitis: action at peripheral kappa-opioid receptors. Gastroenterology. 1993 Mar;104(3):724-31.		
	C111	ROGER et al., Colonic motor responses in the pony: relevance of colonic stimulation by opiate antagonists. Am J Vet Res. 1985 Jan;46(1):31-5.		
	C112	SCHANG et al., Beneficial effects of naloxone in a patient with intestinal pseudoobstruction. Am J Gastroenterol. 1985 Jun;80(6):407-11.		
	C113	SCHANG et al., How does morphine work on colonic motility? An electromyographic study in the human left and sigmoid colon. Life Sci. 1986 Feb 24;38(8):671-6.		



FORM PTO-1449/A and B (Modified)

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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APPLICANT: Foss et al.

GROUP ART UNIT: 1614

EXAMINER: Not Yet Assigned

Sheet 2 of 2

C114	SCHILLER et al., Studies of the mechanism of the antidiarrheal effect of codeine. J Clin Invest. 1982 Nov;70(5):999-1008.		
C115	TAGUCHI et al., Selective postoperative inhibition of gastrointestinal opioid receptors. N Engl J Med. 2001 Sep 27;345(13):935-40.		
C116	YUAN et al., Effects of methylnaltrexone on chronic opioid induced gut motility and transit time changes. Br J Anaesth. 1998;81(1):94.		
C117	YUAN et al., Effects of methylnaltrexone on chronic opioid-induced gut motility and transit time changes. University of Leicester – Abstracts from the Eighth International Symposium on Pain, Anaesthesia and Endocrinology. 1997 September 18-19th.		

EXAMINER

DATE CONSIDERED

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]